

## **REMARKS**

In the Final Office Action, dated **October 12, 2005** (“the Action”) claims 18-20 were withdrawn from consideration, claims 14-17 were rejected under 35 U.S.C. § 102(b) in view of Gross, et al. (US Patent 6,553,515 – “Gross”) and claims 21-25 were restricted. In response, Applicant has canceled restricted claims 21-25 and respectfully disagrees with the rejection to claims 14-17.

### **Current Status of Claims:**

With this amendment, claims 14 – 17 remain pending and claims 1-13 and 18-25 are canceled. No new matter has been introduced.

### **Claims 14-17 rejections under 35 U.S.C. § 102(b):**

The portions of claim 14 relevant to Applicant’s disagreement are:

“A telecommunication system having high availability comprising:  
a media gateway... having a system management mode that executes code *to monitor a state of the media gateway*;  
a signaling gateway... having a system management mode that executes code *to monitor a state of the signaling gateway*;  
a gateway controller... having a system management mode that executes code *to monitor a state of the gateway controller*; and  
a high availability system ....”

Emphasis added.

As stated in Applicant’s September 23, 2005 Response (“the Response”), Gross fails to describe the portions of claim 14 as cited above. See Response, page 6. Applicant also disagrees with Examiner’s statement that “Gross implies the state of not only the connections but also the TE, which the connections are operational [through].” See Action, page 4. Rather Gross

discloses a Diagnostic Supervisor (DS) that is concerned only with the connections. See column 1, lines 50-57, column 2, lines 43-44 and column 16, lines 51-59.

Further, Applicant submits that Gross discloses no corrective actions to the terminal endpoints (TEs) themselves based on gathered connection diagnostic information. The only corrective actions Gross discloses that involves TEs is to not use a TE and search for another TE to reroute the connection. See column 16, lines 51-59. But not using a TE does nothing to correct a problem with that TE so that TE can be operational again. Consequently, Gross discloses solely connection-only corrective actions.

Gross is concerned only with connections and discloses connection-only corrective actions based on connection-only diagnostics. As a result, another Examiner statement is not supported by Gross. This other statement is “the diagnosis of the TE is the same as diagnosis of the connections...” See Action, page 4. So the Examiner has failed to show how Gross describes the above cited portions of claim 14 that include a media gateway, a signaling gateway and a gateway controller *having a system management mode that executes code to monitor a state of* the media gateway, the signaling gateway and the gateway controller, respectively. Thus, Applicant requests withdrawal of the 35 U.S.C. § 102(b) rejection of claim 14.

Claims 15-17 depend from independent claim 14. Thus, Applicant also requests withdrawal of the 35 U.S.C. § 102(b) rejections of these dependant claims.

**Conclusion**

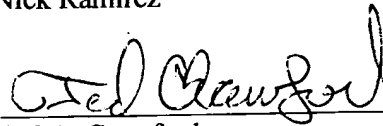
Applicant respectfully submits that claims 14-17 are in condition for allowance and such action is earnestly solicited. *The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.*

Please charge any shortages and credit any overcharges to our Deposit Account number 50-0221.

Respectfully submitted,  
Nick Ramirez

Date: 12/2/05

by:



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